

REGION 6 NEWS DIGEST

Friday, July 08, 2011

Today's Top Stories:

EPA Issues New Standards For Coal-Burning Plants - NPR, 07/07/11

EPA targets 26 power plants - Tulsa World, 07/08/11

New EPA regulation targets Texas' coal-fired power plants - Dallas Morning News, 07/07/11

Diversion project in the works - Lafourche Parish Daily Comet, 07/07/11

Manager pleads guilty to pollution charges, Louisiana refinery led by Houston official - Houston Chronicle, 07/06/11

On Clean Air Action Day, alternative fuel supporters show off their stuff - Fort Worth Star-Telegram, 07/07/11

House eyes steep cuts and policy riders for EPA, Interior - Environment & Energy Daily, 07/06/11

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Clean Air Interstate Rule

EPA Issues New Standards For Coal-Burning Plants

NPR, 07/07/11

The Environmental Protection Agency sent a strong message Thursday to power plants that burn coal. It's time to clean up dirty exhausts that travel long distances, and 75 percent of Americans will breathe healthier air as a result. The new EPA transport rule is designed to clean up the pollution that blows from power plants into other states. EPA Administrator Lisa Jackson says it's about fairness. "This is EPA, the federal government, doing what the federal government should and has a responsibility to all Americans to do. And that's leveling the playing field, ensuring that one community doesn't put out smog and soot at the expense of the residents downwind," she says. The new rule replaces a similar Bush administration regulation that was struck down by a court that deemed it too lenient. The new rule will cut almost 2 million more tons of pollution per year than the Bush administration program. States from Texas to New York will have to slash 70 percent of sulfur dioxide emissions and 50 percent of nitrogen oxides from power plants, compared with 2005 pollution levels. Scientists say the fine particles and ozone from these plants contribute to deadly heart and lung failures. The agency estimates the rule will be so potent that within three years, it will prevent as many as 34,000 premature deaths each year. More at: <http://www.npr.org/2011/07/07/137681222/epa-issues-new-standards-for-coal-burning-plants>

EPA targets 26 power plants

Tulsa World, 07/08/11

Oklahoma would be forced to cut summertime emissions that contribute to ozone pollution under a proposal outlined Thursday by the U.S. Environmental Protection Agency. The EPA included the proposal as part of its announcement on a final Cross-State Air Pollution Rule designed to slash hundreds of thousands of tons of smokestack emissions that travel long distances. Oklahoma did not end up covered by that rule as expected in recent months. Instead, the EPA revealed supplemental rulemaking based on additional review and analysis of air-quality information that covered Oklahoma, Iowa, Kansas, Michigan, Missouri and Wisconsin. More at:

http://www.tulsaworld.com/news/article.aspx?subjectid=505&articleid=20110708_16_A13_CUTLIN818423

Cleaner air, costlier electricity under new EPA rule

MSNBC, 07/07/11

In an effort to curb air pollution in downwind states, the Environmental Protection Agency on Thursday ordered utilities to either clean up or shut down older coal-fired power plants in 27 states in the eastern half of the U.S. The order, which comes in response to a court ruling, requires utilities to install devices that slash emissions of sulfur dioxide and nitrogen oxides — byproducts of burning coal that react with the atmosphere to form the particles that cause soot and smog.

More at: http://today.msnbc.msn.com/id/43669066/ns/us_news-environment/

EPA Sets New Regulations For Power-Plant Emissions

RTT News, 07/07/11

The US Environmental Protection Agency (EPA) on Thursday set new rules for emissions from power-plants in twenty-seven eastern and mid-western US states as part of broader efforts to improve air-quality across the country. The new set of rules, which takes effect in 2014, demands reduction in the emissions of sulfur dioxide and nitrogen oxide by 73% and 54% from the 2005 levels respectively. According to the EPA, the emissions of the two pollutants from power-plants are mainly responsible for the formation of smog and soot in the affected states. The new rules affect some 900 coal-fired, natural gas-fueled, and oil-burning power plants in the 27 US states, including Texas. The new regulations could lead to the shutdown of dozens of old and inefficient coal-fueled power-plants or force them to switch to natural gas. More at: <http://www.rttnews.com/Content/GeneralNews.aspx?Id=1661498&SM=1>

New EPA regulation targets Texas' coal-fired power plants

Dallas Morning News, 07/07/11

The Obama administration announced Thursday that Texas' coal-fired power plants will be regulated by a new rule that requires them to cut pollution that worsens air quality for neighboring states. The announcement is likely to spark outcry from Texans in Congress and some Texas electricity generators, which say the Environmental Protection Agency didn't give the state enough opportunity to explain why it should be exempt from the rule. More at:

<http://www.dallasnews.com/business/energy/20110707-new-epa-regulation-targets-texas-coal-fired-power-plants.ece>

EPA requires Texas power plants to lower pollution

The Associated Press, 07/07/11

Texas power plants will have to significantly reduce ozone- and acid-rain causing pollution under new federal rules, a move that could further increase tensions between the state and the U.S. Environmental Protection Agency just as Republican Gov. Rick Perry considers a presidential run. The long-running battle between Texas and the EPA evolved from one over environmental regulation into a tiff over states' rights. During his recent gubernatorial campaign, Perry often used the federal agency's rule-making as an example of the Obama administration meddling in state affairs.

More at: <http://www.businessweek.com/ap/financialnews/D9OB1V600.htm>

EPA requiring new pollution cuts from coal-fired plants

Fuel Fix, 07/07/11

The EPA will require coal-fired power plants from Texas to the Eastern Seaboard to clamp down harder on smog- and soot-forming pollution under a new rule finalized today. The federal rule will cover power plants in 28 states and the District of Columbia in an attempt by the Obama administration to reduce pollution that drifts into neighboring states. The rule will reduce sulfur dioxide emissions by 71 percent from 2005 levels by 2014, according to the EPA. Nitrogen oxide emissions would drop by 52 percent. The Bush administration proposed a similar action, known as the Clean Air Interstate Rule. But in 2008, the U.S. Court of Appeals for the District of Columbia ordered the EPA to revise the rule after deciding the agency had overstepped its authority. More at: <http://fuelfix.com/blog/2011/07/07/epa-clamps-down-on-downwind-power-plant-pollution/>

EPA to Require New Pollution Cuts

Wall Street Journal, 07/07/11

The Environmental Protection Agency said Thursday it would require power plants in the eastern half of the U.S. to make major reductions in soot and smog, the latest in a series of moves aimed at reducing pollution associated with coal and other fossil fuels. The EPA's Cross-State Air Pollution Rule is one of roughly half a dozen measures targeting pollution associated with fossil fuels that the agency is expected to adopt or propose over the next two years. More at: http://online.wsj.com/article/SB10001424052702303365804576431892352096826.html?mod=googlenews_wsj

Freshwater to Louisiana Wetlands

Diversion project in the works

Lafourche Parish Daily Comet, 07/07/11

A project that would divert freshwater from the Atchafalaya River into Terrebonne wetlands using the planned Houma Navigation Canal Lock and the Gulf Intracoastal Waterway is moving into the planning and design phase. But with the lock itself still tied up on the U.S. Army Corps of Engineers' Morganza-to-the-Gulf hurricane protection project study, a majority of the project won't move forward. The study, re-examining the levee system's cost and construction standards, will take two years to complete and must be approved by Congress. The corps will only construct two of the more than 50 components of the freshwater project that it says aren't tied to the lock until the structure is built. More at: <http://www.dailycomet.com/article/20110707/ARTICLES/110709660?Title=Diversion-project-in-the-works>

Criminal Charges

Manager pleads guilty to pollution charges, Louisiana refinery led by Houston official

Houston Chronicle, 07/06/11

The Houston-based manager of a Louisiana refinery pleaded guilty Wednesday to misdemeanor charges of failing to prevent toxic pollutants from leaking into the air in 2005 and 2006, according to the U.S. Department of Justice. Byron Hamilton, 66, vice president and general manager of Pelican Refining's facility in Lake Charles, faces up to a year in prison and a \$200,000 fine for each of the two counts of negligent endangerment under the federal Clean Air Act.

More at: <http://www.chron.com/disp/story.mpl/business/7642365.html>

Clean Air Action Day

On Clean Air Action Day, alternative fuel supporters show off their stuff

Fort Worth Star-Telegram, 07/07/11

Electricity. Biodiesel. Natural gas. At one time or another, they've all been the flavor of the month when it comes to alternative fuels. But as public agencies and businesses with large fleets look for ways to save money on fuel, qualify for grants, rebates and tax cuts or simply do better by the environment, supporters of the various components of the alternative fuels industries are finding that there's room for them all. More at: <http://www.star-telegram.com/2011/07/07/3206149/clean-air-action-day-happening.html>

LANL

Tests show normal radiation exposure rates near Las Conchas

Taos News, 07/07/11

Though Las Conchas fire continues to burn, Los Alamos National Laboratory (LANL) reopened to employees Wednesday (July 6), and residents began returning to their homes Sunday (July 3). Concerns have been raised about potential contaminants in the smoke from Las Conchas, but preliminary tests have found "typical" radiation exposure rates. The state Environmental Department released preliminary results of air quality monitoring July 2. The data were collected by Airborne Spectral Photometric Environmental Collection Technology (ASPECT) equipment. ASPECT is operated by the U.S. Environmental Protection Agency and Department of Defense; it is a laboratory housed inside a twin-engine aircraft and analyzes chemical and radiological levels in the air. The ASPECT mission report states no dangerous levels of radiation were found in the surveyed areas. In the monitored areas of Jemez Springs, Cochiti, Cuba and Jemez Pueblo, normal ranges of background radiation exposure were found, with no hazardous levels discovered. The survey reported "no significant radiological detections." However, the ASPECT report did not include chemical data. More at: <http://taosnews.com/articles/2011/07/07/news/doc4e15d90a78a7f823776146.txt>

Dona Park

Texas Commission on Environmental Quality excavation to shed light on Dona Park concerns

Corpus Christi Caller, 07/07/11

State environmental officials today should uncover a decades-old mystery of what is buried beneath a vacant lot in Dona Park. The Texas Commission on Environmental Quality agreed to excavate a 30-foot-by-40-foot area near the corner of Manchester Avenue and Up River Road late last year after a survey using ground-penetrating radar indicated something was buried there, said Omar Valdez, project manager with the commission. "Several Dona Park residents went on record saying they watched the drums being buried," he said. Those eyewitness accounts, along with the results of the radar survey, compelled the commission to release money from the state's Site Discovery fund for the dig, Valdez said. Only a piece of rebar believed to have been part of a concrete water storage tank that once occupied the site has turned up. More at: <http://www.caller.com/news/2011/jul/07/texas-commission-on-environmental-quality-to-on/>

House eyes steep cuts and policy riders for EPA, Interior

Environment & Energy Daily, 07/06/11

House appropriators today unveiled a spending bill for U.S. EPA and the Interior Department that would give the agencies less money than they received during the George W. Bush administration and stop some of the Obama administration's signature initiatives on climate change, water pollution and public lands. The bill, which will be marked up at a Interior and Environment Appropriations Subcommittee hearing tomorrow, suggests the simmering fight over environmental programs will return to the front burner this summer as lawmakers try to reach a spending deal with President Obama for the fiscal year that begins Oct. 1. More at:

<http://www.eenews.net/Greenwire/2011/07/06/archive/1?terms=House+eyes+steep+cuts+and+policy+riders+for+EPA%2C+Interior>

With Workforce Cuts, Appropriators Take Dual Track Curtailing EPA In FY12

Inside EPA, 07/06/11

House Republicans are following through on their vows to stymie EPA action by limiting the number of staff positions at the agency, even as they have included a host of riders to block or curtail controversial agency policies, according to proposals included in a just-released fiscal year 2012 draft spending bill. EPA union officials say that the drastic budget cuts and limits on staffing could spur retirements of veteran EPA staffers. The House Appropriations Committee July 6 released the interior and environment spending bill that includes EPA's budget, floating an 18 percent cut in overall agency funding from \$8.6 billion in FY11 to \$7.1 billion, which would be 20 percent less than President Obama's request to fund EPA at roughly \$9 billion in FY12. The spending bill is slated to be marked up by the committee's interior and environment panel on July 7. More at: <http://insideepa.com/201107062369231/EPA-Daily-News/Daily-News/with-workforce-cuts-appropriators-take-dual-track-curtailing-epa-in-fy12/menu-id-95.html>

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EPA Issues New Standards For Coal-Burning Plants

by ELIZABETH SHOGREN



Enlarge

AP

Sunflower Electric Cooperative's coal-fired power plant in Holcomb, Kan., churns out electricity. Kansas is one of the states included in the new pollution rule.

July 7, 2011

text size **A A A**

The Environmental Protection Agency sent a strong message Thursday to power plants that burn coal. It's time to clean up dirty exhausts that travel long distances, and 75 percent of Americans will breathe healthier air as a result.

The new EPA transport rule is designed to clean up the pollution that blows from power plants into other states. EPA Administrator Lisa Jackson says it's about fairness.

"This is EPA, the federal government, doing what the federal government should and has a responsibility to all Americans to do. And that's leveling the playing field, ensuring that one community doesn't put out smog and soot at the expense of the residents downwind," she says.

The new rule replaces a similar Bush administration regulation that was struck down by a court that deemed it too lenient. The new rule will cut almost 2 million more tons of pollution per year than the Bush administration program.

States from Texas to New York will have to slash 70 percent of sulfur dioxide emissions and 50 percent of nitrogen oxides from power plants, compared with 2005 pollution levels.

Scientists say the fine particles and ozone from these plants contribute to deadly heart and lung failures.

The agency estimates the rule will be so potent that within three years, it will prevent as many as 34,000 premature deaths each year.

It's also expected to reduce hundreds of thousands of asthma attacks per year. That really resonates with Jackson, whose sons both had asthma when they were small. Her younger son still carries a rescue inhaler.

Jackson says she wants every parent with an asthmatic child to have "as close to a normal experience in childhood as possible."

She says less power plant pollution will mean fewer days when parents have to tell their kids they can't play outside because the air is bad.

"When you talk about asthma attacks, every single one can mean hours — if not days — of caring for a sick child or family member. It can mean hospitalization," she says.

That adds up to lots of costs for families and society. Jackson says that's part of why the new rule

is projected to provide billions of dollars in public health benefits.

Some power companies complain the deadlines are too tough to allow them time to install pollution control equipment. So, they will have no choice but to shut down some older coal-fired power plants.

Pat Hemlepp represents American Electric Power, which is one of the country's biggest power companies, with plants in 11 states from Texas to Michigan.

"Taking power plants out of service like this pulls tax dollars out of the communities, pulls jobs out of communities, in addition to increasing electricity costs," Hemlepp says. "This is a region of the country that's struggling to recover from the economic downturn, and doing this on such a short timeline is an economic hit that could be avoided."

But overall, Harvard Economist Robert Stavins says, the new regulation is a real winner for the economy.


"It doesn't mean that there are no costs, but the benefits of the transport rule in terms of human health protection tremendously outweigh the costs of this," he says.

Stavins says even in parts of the country where electricity costs will increase a little bit, health care savings in those same communities will more than compensate.

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EPA targets 26 power plants

by: JIM MYERS & SUSAN HYLTON World Staff Writers

Friday, July 08, 2011

7/8/2011 7:47:55 AM

Oklahoma would be forced to cut summertime emissions that contribute to ozone pollution under a proposal outlined Thursday by the U.S. Environmental Protection Agency.

The EPA included the proposal as part of its announcement on a final Cross-State Air Pollution Rule designed to slash hundreds of thousands of tons of smokestack emissions that travel long distances.

Oklahoma did not end up covered by that rule as expected in recent months.

Instead, the EPA revealed supplemental rulemaking based on additional review and analysis of air-quality information that covered Oklahoma, Iowa, Kansas, Michigan, Missouri and Wisconsin.

The agency said the proposal will be open for public comment for 45 days after publication in the Federal Register.

"It is little consolation that Oklahoma is not included in today's final rule," U.S. Sen. Jim Inhofe said, referring to the EPA's newest proposal to include the state in the near future.

A leading voice on environmental issues for his party, the Oklahoma Republican questioned why the state's air-quality issues were being linked with Michigan.

Inhofe plans to be "very active" during the upcoming comment period and holds out hope that the EPA can at least be persuaded to slow down its latest proposal targeting nitrogen oxide.

"I don't know the level of harm it will do in Oklahoma," he said.

Inhofe described the EPA's announcement on its transport rule as the latest major impediment to economic growth put forth by the Obama administration.

The EPA describes its record on clean air as a common-sense approach and pointed out that its latest action followed a 2008 federal court order.

"No community should have to bear the burden of another community's polluters or be powerless to prevent air pollution that leads to asthma, heart attacks and other harmful illnesses," EPA Administrator Lisa Jackson said.

According to the EPA, the rule will protect more than 240 million Americans from soot and smog in the eastern half of the country and will result in as much as \$280 billion in annual benefits.

The rules attempt to reduce emissions of sulfur dioxide, which creates soot, also called fine particles, and nitrogen oxide, which reacts in the atmosphere and creates smog or ozone.

EPA Regional Administrator Al Armendariz, based in Dallas, said most utilities already have installed

emission-reducing scrubbers and catalysts to meet the requirement of the rule. But he said some of the coal-fired plants may have to further reduce emissions.

"The good news about coal plants is about 75 percent of them either have scrubbers or are getting them," Armendariz said.

American Electric Power-Public Service Company of Oklahoma already has prepared for meeting what the EPA previously called the Clean Air Transport Rule, company environmental affairs manager Bud Ground said.

The utility was making plans for adding scrubbers to its Oologah coal-fired units.

"I don't see this being any different than what we've already planned," Ground said.

Last month, parent company AEP announced that it would shut down the two Oologah units for as long as two years if the EPA's regional haze rules go forward unchanged.

The down time was needed for installing scrubbers and making other improvements statewide at an anticipated cost of about \$780 million, according to reports.

AEP-PSO provides electricity to more than 525,000 customers statewide. Along with Oklahoma Gas & Electric, the state's largest utility, AEP-PSO would work with the state Department of Environmental Quality to craft a response plan meeting the EPA budget for emissions.

As for the Michigan air-quality connection, Ground was still trying to figure out the formula.

"Air moves in all directions at certain times of the day," he said. "I don't see how we can have a significant impact on Michigan."

The EPA released a list of the 25 power plants in Oklahoma that would be affected by the new rule.

Records show that nearly all the facilities had lower emissions of sulfur dioxide and nitrogen oxide in 2010 compared with 2005. Coal-fired plants by far had the highest emissions.

OG&E's Muskogee plant had the highest emissions for both sulfur dioxide and nitrogen oxide in 2010, followed by AEP-PSO's Northeastern plant in Oologah.

Armendariz said natural gas-fired plants are not large producers of sulfur dioxide but can have large nitrogen oxide emissions.

World Staff Writer Rod Walton contributed to this story.

Facilities statewide named by the EPA

Oklahoma power plants that would be affected by the proposed summertime emission rule:

AES Shady Point

Anadarko

Chouteau Power Plant

Comanche (8059)

Grand River Dam Authority

Green Country Energy

Horseshoe lake

Hugo

McClain Energy Facility

Mooreland

Muskogee

Mustang

Northeastern

Oneta Energy Center

Ponca

PowerSmith Cogeneration Project

Redbud Power Plant

Riverside (4940)

Seminole (2956)

Sooner

Southwestern

Spring Creek Power Plant

Tenaska Kiamichi Generating Station

Tulsa

Weleetka

Source: Environmental Protection Agency

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Associated Images:



A conveyor feeds coal into AEP-PSO's Northeastern power plant in Oologah. The facility would be affected by a proposed EPA rule aimed at cutting summertime emissions from generation units across Oklahoma. SUSAN HYLTON/Tulsa World file

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Cleaner air, costlier electricity under new EPA rule

Environmental agency forces older coal-fired power plants to curb pollution



hazecam.net
Parts of Newark, N.J., and New York City are seen on a clean air day, top, and on one with low air quality.

msnbc.com staff and new s service reports

updated 7/7/2011 1:17:03 PM ET

WASHINGTON— In an effort to curb air pollution in downwind states, the Environmental Protection Agency on Thursday ordered utilities to either clean up or shut down older coal-fired power plants in 27 states in the eastern half of the U.S.

The order, which comes in response to a court ruling, requires utilities to install devices that slash emissions of sulfur dioxide and nitrogen oxides — byproducts of burning coal that react with the atmosphere to form the particles that cause soot and smog.

"No community should have to bear the burden of another community's polluters, or be powerless to prevent air pollution that leads to asthma, heart attacks and other harmful illnesses," EPA chief Lisa Jackson said in announcing the rule.

While Jackson argues the cleaner air will improve public health, pushback already has come from some states and companies operating older coal-fired power plants.

They say the rule could prove too costly and that the timeline for compliance is too short.

Anticipating the EPA order, Oklahoma sued the agency in May, citing costs of up to \$2.5 billion to install "scrubbers" that would reduce pollution from state coal plants.

That could drive up utility rates by as much as 20 percent, argued Oklahoma Attorney General Scott Pruitt.

Texas also has opposed the rule.

"Both federal and state governments need to focus their resources on real risks, instead of creating false crises that frighten the public and misuse public resources," Bryan Shaw, chairman of the state's environmental agency, testified in Congress last week.

States downwind of power plants mostly

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support the rule because they end up seeing the haze in their backyards.

The EPA estimates up to \$280 billion in annual benefits from cleaner air in areas that are home to 240 million Americans. It figures each year of cleaner air will prevent "up to 34,000 premature deaths, 15,000 nonfatal heart attacks, 19,000 cases of acute bronchitis, 400,000 cases of aggravated asthma and 1.8 million sick days."

'Flexibility' promised

Jackson also promised "flexibility" for adopting the rule, including "allowing states to decide how best to decrease dangerous air pollution in the most cost effective way."

The rule aims to cut sulfur dioxide emissions by 73 percent from 2005 levels, and nitrogen oxide emissions by 54 percent.

Rule supporters also note that the old plants were largely exempt from existing Clean Air Act initiatives aimed at making new plants cleaner.

The thinking when those exemptions were granted was the problem would take of itself as older plants were retired, said Pat Cummins with the Western Regional Air Partnership. But some owners have instead extended their lives rather than build new and more expensive plants.

EPA estimates utilities will have to invest \$800 million a year in pollution upgrades starting in 2014, in addition to the \$1.6 billion annually invested by the industry in recent years.

For consumers, the EPA figures that could translate into a roughly 2 percent increase in monthly electricity bills.

Nationwide, more than 300 old coal plants could face required upgrades, said Stephanie Kodish, an attorney with the National Parks Conservation Association, a group that lobbied for the rule as a way to reduce hazy days in wilderness areas.

The 27 states subject to the rule are:

Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia and Wisconsin.

Tighter standards were first issued in 1999 by the Clinton-era EPA.

President George W. Bush's administration revised those in 2005, but in 2008 a federal appeals court ruled that the revised rule did not meet Clean Air Act requirements.

Similar plan in the West

Last month, the EPA announced plans for similar action at aging coal-fired power plants across the West.

A federal judge in Colorado will have to accept or deny the proposed settlement with environmental groups that sued to enforce Clean Air Act provisions. That ruling is expected following a 30-day comment period that ends July 15.

Officials have identified 18 coal plants in the four Western states that would have to be retired, retrofitted with new pollution reduction equipment or otherwise reduce emissions.

Combined, the 18 plants emit more than



200,000 tons of sulfur dioxide and 150,000 tons of nitrogen oxides a year, according to WildEarth Guardians, a plaintiff in the Colorado case along with the Environmental Defense Fund and National Parks Conservation Association. Several cement and soda ash plants also would have to make changes.

David Eskelen with Pacificorps, which operates four coal plants in Wyoming that fall under the haze rule, said his company has spent \$1.2 billion on air quality controls since 2005. But he said it would take 12 years, not five as proposed, to meet the haze requirements.

"We are making excellent progress," Eskelsen said. "If there is a more aggressive reduction schedule, policy makers need to understand this is going to result in significant cost increases to electricity."

The Associated Press contributed to this report.

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(RTTNews) - The US Environmental Protection Agency (EPA) on Thursday set new rules for emissions from power-plants in twenty-seven eastern and mid-western US states as part of broader efforts to improve air-quality across the country.

The new set of rules, which takes effect in 2014, demands reduction in the emissions of sulfur dioxide and nitrogen oxide by 73% and 54% from the 2005 levels respectively. According to the EPA, the emissions of the two pollutants from power-plants are mainly responsible for the formation of smog and soot in the affected states.

The new rules affect some 900 coal-fired, natural gas-fueled, and oil-burning power plants in the 27 US states, including Texas. The new regulations could lead to the shutdown of dozens of old and inefficient coal-fueled power-plants or force them to switch to natural gas.

Under the new regulations, the coal-fueled power plants that continue to operate are required to clean up their emissions dramatically or shut down should they fail to do so, even after the new laws take effect in under three years.

The EPA claims the pollutants in emissions from the plants in the areas covered by the new regulations were preventing states located downwind to maintain air quality standards on their own. Eastern states are expected to benefit most when the new laws are enforced.

The new Cross-State Air Pollution Rule was initially known as the the Clean Air Transport Rule when it was proposed a year ago. It is much more tougher than the Clean Air Interstate Rule (CAIR) proposed by the Bush administration in 2005. The CAIR was rejected by the US Circuit Court of Appeals for the District of Columbia in 2008.

While announcing the new Cross-State Air Pollution Rule for emissions, EPA administrator Lisa Jackson said in a statement that it is a "long overdue step" toward protecting public health across the country.

"We all know that pollution generated in one state or community does not stop at the state or the city lines," Jackson said, adding that movement of pollution from one place to another "puts a greater burden on states and makes them responsible for cleaning up someone else's mess."

"These Clean Air Act safeguards will help protect the health of millions of Americans and save lives by preventing smog and soot pollution from traveling hundreds of miles and contaminating the air they breathe," she stressed.

It will "help ensure that American families aren't suffering the consequences of pollution generated far from home, while allowing states to decide how best to decrease dangerous air pollution in the most cost-effective way," Jackson added.

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Slide Show



Crowd Gathers in Times Square Following bin Laden's Death A crowd gathered in New York City's Times Square late Sunday night minutes after U.S. President Barack Obama

announced the death of al Qaeda leader Osama bin Laden by U.S. special forces north of Pakistani capital Islamabad. Police were on alert as hundreds cheered and discussed the "great news" around the NY Police Department.

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EPA Sets New Regulations For Power-Plant Emissions

7/7/2011 8:10 PM ET

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(RTTNews) - Although supporters of the new rules believe that economic and health benefits in implementing them outweigh the incurring costs by a wide margin, law makers from states housing coal-fueled power plants and industry groups have complained about the high expenditure involved.

"The EPA is ignoring the cumulative economic damage new regulations will cause. Our industry needs adequate

time to install clean coal technologies to comply with new regulations," Steve Miller, president and CEO of the industry lobby group American Coalition for Clean Coal Electricity, said in a statement.

by RTT Staff Writer

For comments and feedback: editorial@rttnews.com

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Crowd Gathers in Times Square Following bin Laden's Death A crowd gathered in New York City's Times Square late Sunday night minutes after U.S. President Barack Obama

announced the death of al Qaeda leader Osama bin Laden by U.S. special forces north of Pakistani capital Islamabad. Police were on alert as hundreds cheered and discussed the "great news" around the NY Police Department.

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New EPA regulation targets Texas' coal-fired power plants

By DAVE MICHAELS

Washington Bureau

dmichaels@dallasnews.com

Published 07 July 2011 11:58 AM

WASHINGTON — The [Obama](#) administration announced Thursday that Texas' coal-fired power plants will be regulated by a new rule that requires them to cut pollution that worsens air quality for neighboring states.

The announcement is likely to spark outcry from Texans in [Congress](#) and some Texas electricity generators, which say the [Environmental Protection Agency](#) didn't give the state enough opportunity to explain why it should be exempt from the rule.

The companies say the regulation, which would require them to install pollution-control equipment known as scrubbers, could force the closure of old coal-fired power plants many built in the 1970s. Those plants are responsible for nearly half of the state's sulfur dioxide emissions, according to EPA data.

EPA Administrator [Lisa Jackson](#) said Texas' power plants could have increased pollution levels if its plants were left out of the regulation.

The emissions of sulfur dioxide and nitrogen oxide, emitted by tall smokestacks, travels downwind and makes it more difficult for nearby states to meet air-quality standard according to the EPA.

Texas will have to cut its emissions of sulfur dioxide, a key air pollutant that aggravates [asthma](#) and causes other respiratory diseases, by almost 50 percent.

Three of the coal plants are located in East Texas and are owned by Dallas-based Luminant, the wholesale unit of [Energy Future Holdings](#). The company mines lignite, a type of coal that generally contains higher amounts of sulfur than other forms of coal.

"Without this rule, Texas power plants will contribute significantly to air pollution in downwind states, tribes and local communities," Jackson said.

"Texas has an ample range of cost-effective emission reduction options for complying with the requirements of this rule without threatening reliability or the continued operation of coal-burning units, including those that burn lignite from local mining operations," she said.

Environmental groups say the rule is long overdue and praised the EPA for issuing it.

The regulation is certain to prompt more friction between the EPA and [Republican](#) lawmakers in Congress, who complain the agency's regulations are too expensive and aren't justified by science.

Nearly 30 Texans in Congress, including several [Democrats](#), wrote the EPA last month to argue the state needed more notice about the rule because it requires "drastic" pollution cuts.



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THE ASSOCIATED PRESS July 7, 2011, 5:05PM ET

EPA requires Texas power plants to lower pollution

By RAMIT PLUSHNICK-MASTI

HOUSTON

Texas power plants will have to significantly reduce ozone- and acid-rain causing pollution under new federal rules, a move that could further increase tensions between the state and the U.S. Environmental Protection Agency just as Republican Gov. Rick Perry considers a presidential run.

The long-running battle between Texas and the EPA evolved from one over environmental regulation into a tiff over states' rights. During his recent gubernatorial campaign, Perry often used the federal agency's rule-making as an example of the Obama administration meddling in state affairs.

The rules announced Thursday will require Texas plants to significantly reduce smog and acid-rain causing pollutants beginning next year. Texas had already opposed an initial, weaker proposal, so the more stringent rules angered local regulators, lawmakers and the Perry administration.

Texas argues that the new rules would require massive improvements to old power plants, changes that would end up costing consumers more money. The Texas Commission on Environmental Quality, the state's regulatory agency, also questions the science upon which the EPA has built its rules.

"Today's EPA announcement is another example of heavy-handed and misguided action from Washington, D.C., that threatens Texas jobs and families and puts at risk the reliable and affordable electricity our state needs to succeed," Perry said in a statement.

Perry, who has kept up a busy travel schedule and attacks on Washington as he considers a run for the White House, said the Obama administration seems intent on increasing energy costs for consumers and making Americans more dependent on foreign energy.

"Texas will keep standing up to this destructive federal overreach, and working to enhance environmental protection and domestic energy exploration and production," he added.

The idea behind the rule is to reduce airborne pollution that crosses state lines and combines with locally produced pollution, making it difficult -- and even impossible sometimes -- for states to comply with federal regulations. Texas is one of 27 states that will have to reduce both smog and acid-rain causing pollutants, namely sulfur dioxide and nitrogen oxide.

Texas has 19 coal-fired power plants, more than any other state. Faced with a looming population boom that could double the number of state residents in the next 20 years, Texas plans to build nine more such plants.

Al Armendariz, the EPA administrator who oversees Texas, says Texas pollution is harming Illinois, Michigan and Louisiana. At the same time, pollution transported from Louisiana, Arkansas, Oklahoma and Missouri harms residents in the Lone Star State. Armendariz said the rule is aimed at helping all residents, and the EPA believes it will prevent between 670 and 1,700 premature deaths in Texas alone.

Nationally, the EPA believes the rules will reduce sulfur dioxide emissions by 73 percent by 2014 compared to 2005 levels, and bring down nitrogen oxide pollution by 54 percent.

The EPA also said its cost analysis found even the oldest plants have a variety of options available that would not result in significant cost increases to consumers. Armendariz said the power plants can look at using lower-sulfur coals or installing "scrubbers," emission-reducing equipment.

"There are cost-effective compliance options for the power plants that are achievable without reductions in reliability and without significant costs to consumers," Armendariz said.

The Texas Commission on Environmental Quality, though, believes the rules "will result in significant increases in the cost of power as well as curtailment or shutdowns of existing coal-fired plants in Texas."

It said other sources of electricity will not compensate for that, especially given the January compliance date. The agency also insisted pollution from power plants in Texas do not harm other downwind states.

Neil Carman, a chemist with the Sierra Club's Lone Star chapter, believes the new rules could be an opportunity for Texas to move away from "old" energy and replace the heavy polluters with wind and solar energy.

"They're just like old cars, you can't run them forever," Carman said of the older coal-fired plants. "They're very expensive ... so you need to look at other options."

Already, one plant in Texas -- Deely -- announced in June that it would shut down a coal-fired facility that has been supplying electricity to San Antonio since the 1970s. The operators of the plant said it was not cost-efficient to install \$550 million scrubbers, and found it would be wiser to invest in alternative energy sources.

The Lower Colorado River Authority, however, which serves the Austin area, said it has already invested millions in its natural gas and coal-fired plants in an attempt to reduce pollution, including installing scrubbers that will reduce by 95 percent sulfur dioxide emissions from a coal-fired power plant. Clara Tuma, a spokeswoman with the LCRA, said in an email that the company believes it will be in compliance with the new EPA rules.


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EPA requiring new pollution cuts from coal-fired plants

Posted on July 7, 2011 at 11:55 am by [Matthew Tresaugue](#) in [Climate](#), [Coal](#), [Electricity](#), [Environmental Protection Agency](#), [General](#)

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The EPA will require coal-fired power plants from Texas to the Eastern Seaboard to clamp down harder on smog- and soot-forming pollution under a new rule finalized today.

The federal rule will cover power plants in 28 states and the District of Columbia in an attempt by the Obama administration to reduce pollution that drifts into neighboring states.

The rule will reduce sulfur dioxide emissions by 71 percent from 2005 levels by 2014, according to the EPA. Nitrogen oxide emissions would drop by 52 percent.

The Bush administration proposed a similar action, known as the Clean Air Interstate Rule. But in 2008, the U.S. Court of Appeals for the District of Columbia ordered the EPA to revise the rule after deciding the agency had overstepped its authority.



NRG Energy's W.A. Parish Electric Generating Station, in Thompsons, Texas, operates natural gas and coal-fired units. It is one of the largest power plants in the United States. (AP Photo)

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Brandon

July 7, 2011, 12:08 PM

ATTN: THEY ARE ATTEMPTING TO DESTROY OUR COUNTRY

What do you think will happen when most of these plants close? Get ready for rolling blackouts and double prices.

suzanne

July 7, 2011, 12:09 PM

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THE WALL STREET JOURNAL.
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POLITICS | JULY 8, 2011

EPA to Require New Pollution Cuts

Power Plants Will Need to Sharply Curtail Soot and Smog; Rule Draws Fire From GOP, Businesses

BY RYAN TRACY AND TENNILLE TRACY

The Environmental Protection Agency said Thursday it would require power plants in the eastern half of the U.S. to make major reductions in soot and smog, the latest in a series of moves aimed at reducing pollution associated with coal and other fossil fuels.

The EPA's Cross-State Air Pollution Rule is one of roughly half a dozen measures targeting pollution associated with fossil fuels that the agency is expected to adopt or propose over the next two years.

EPA Administrator Lisa Jackson's ambitious regulatory agenda is drawing fire from congressional Republicans and businesses who say the rules will drive up ...

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Diversion project in the works

Nikki Buskey

Staff Writer

Published: Thursday, July 7, 2011 at 11:12 a.m.

A project that would divert freshwater from the Atchafalaya River into Terrebonne wetlands using the planned Houma Navigation Canal Lock and the Gulf Intracoastal Waterway is moving into the planning and design phase.

But with the lock itself still tied up on the U.S. Army Corps of Engineers' Morganza-to-the-Gulf hurricane protection project study, a majority of the project won't move forward. The study, re-examining the levee system's cost and construction standards, will take two years to complete and must be approved by Congress.

The corps will only construct two of the more than 50 components of the freshwater project that it says aren't tied to the lock until the structure is built.

Local environmental officials also say Terrebonne and Lafourche's worst-off wetlands are likely too far away from the Atchafalaya River to get any land-building benefit from the project, which would attempt to use a series of weirs, dredging, levees and earthen plugs to push freshwater into local marshes.

Instead, the project would only help to curb intruding salt water and maybe stabilize the area's collapsing coast.

"Because of where Terrebonne and Lafourche parishes are located, so far from the Mississippi and Atchafalaya rivers, it will be difficult to get sediment that far," said Kerry St. Pé, director of the Barataria-Terrebonne National Estuary Program in Thibodaux. "Most of the sediment will fall out immediately, and all you're doing is keeping the salt water from intruding into northern freshwater marshes. That's important, but it's not going to build any land."

The project is a part of the corps' Louisiana Coastal Area "big six," a cluster of federal restoration projects that were fast-tracked by Congress after Hurricane Katrina.

As a part of the project, the corps is planning how to best use Terrebonne's planned lock to keep freshwater from flowing south out of the Houma Navigation Canal. The canal is an artery that allows much of Terrebonne's freshwater from the Atchafalaya River to jet past starving marshes into the Gulf of Mexico.

The corps also plans to build a complicated system of more than 50 small water-control projects throughout a 700,000-acre area in Terrebonne and the Atchafalaya basin in hopes of diverting freshwater from the Gulf Intracoastal Waterway into Terrebonne marshes. Thanks to the waterway's efficient flow, another significant amount of river water that could be nourishing Terrebonne marshes is simply shuttled past the parish.

The project would use dredging, a sediment plug and a weir to divert water into the Bayou Penchant area in west Terrebonne, where some of the parish's healthiest freshwater marshes remain.

In the Lake Boudreaux area, wetlands around the lake have collapsed into a basin of open water that threatens Houma, Chauvin and Dulac.

Culverts, levees, dredging and new marshes will help to restore freshwater flow into the area. The Houma Navigation Canal lock will also help force freshwater into Lake Boudreaux, according to the corps.

In the Grand Bayou area in Lafourche, culverts, dredging and plugs will help move freshwater into the right areas. Gaps will be dug into a canal spoil bank, and a weir will be removed.

The lock is a priority for the corps, but it can't be built for at least another four years, said Terrebonne Levee Director Reggie Dupre. And that's if Congress approves and budgets money immediately for the \$450 million lock project.

Taking that into account, Darrel Broussard, a senior project manager with the corps, said the agency's current plans include moving ahead with just a weir in the Bayou Penchant area and a closure on Robinson Canal that don't require the lock to function.

Broussard said a final report for the freshwater project was finished in December, and the corps is now working to negotiate a cost-share agreement with the state. Officials in the state's Office of Coastal Protection and restoration said the office should be finished negotiating the state's end of the agreement by the end of the week.

After that agreement is finalized, the corps can move forward with planning, engineering and design, which should take about 1 1/2 years, Broussard said.

Then the project will head back to Congress in hopes of securing money for construction. Broussard said.

Broussard couldn't say how much the current project will cost, but the freshwater project was previously estimated at \$2 billion.

While St. Pé said he supports the project, it will take much more to actually rebuild the Terrebonne and Lafourche coast.

Small diversions of river water will help to support remaining freshwater marshes and protect them from intruding salt water, which can kill them. But it will take harvesting significant amounts of dirt from offshore and the river bottoms to actually build land in local areas that have been cut off from the Mississippi's influence for decades.

"It will be expensive. But do we want these marshes, rivers and barrier islands back?" St. Pé said. "It's the only way to get them back."

Staff Writer Nikki Buskey can be reached at 857-2205 or nicole.buskey@houmatoday.com.

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Manager pleads guilty to pollution charges

Louisiana refinery led by Houston official

By SIMONE SEBASTIAN

HOUSTON CHRONICLE

July 6, 2011, 7:28PM

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The Houston-based manager of a Louisiana refinery pleaded guilty Wednesday to misdemeanor charges of failing to prevent toxic pollutants from leaking into the air in 2005 and 2006, according to the U.S. Department of Justice.

Byron Hamilton, 66, vice president and general manager of Pelican Refining's facility in Lake Charles, faces up to a year in prison and a \$200,000 fine for each of the two counts of negligent endangerment under the federal Clean Air Act.

Houston oilman and philanthropist Oscar Wyatt's company, NuCoastal Refining and Marketing, operates the refinery, which it jointly owns with BayOil USA. The companies bought the plant, which primarily produces asphalt, in early 2005 for \$9 million.

The investigation began after state and federal inspectors discovered unsafe practices at the facility in March 2006, including the use of plastic children's swimming pools to contain oil leaks. Regulators also found that mandatory pollution prevention equipment was not operating at the refinery, causing highly toxic hydrogen sulfide gas to escape.

There was "no procedure to record, track, report or mitigate" emissions of hydrogen sulfide at the Pelican refinery, the Louisiana Department of Environmental Quality said in a statement Wednesday.

Hamilton's attorney, Bill Rosch, would not disclose the terms of his client's plea deal with prosecutors. But he said Hamilton acknowledged his role in causing the escape of hazardous chemicals.

"He takes personal responsibility for that," Rosch said.

U.S. District Judge Richard Haik in Lafayette, La., who is hearing the case, has not set a sentencing date, Rosch said.

Wyatt had no comment on the matter, spokeswoman Dorothy Beeler said.

The ongoing investigation is being conducted by the federal Environmental Protection Agency's Criminal Investigation Division, the Louisiana Department of Environmental Quality's Criminal Investigation Division and the Louisiana State Police.

[simone.sebastian@chron.com](#)

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On Clean Air Action Day, alternative fuel supporters show off their stuff

Posted Thursday, Jul. 07, 2011

BY GORDON DICKSON

gdickson@star-telegram.com

Electricity. Biodiesel. Natural gas.

At one time or another, they've all been the flavor of the month when it comes to alternative fuels.

But as public agencies and businesses with large fleets look for ways to save money on fuel, qualify for grants, rebates and tax cuts or simply do better by the environment, supporters of the various components of the alternative fuels industries are finding that there's room for them all.

"We need to be using millions of electric vehicles, propane, biofuel and natural gas vehicles," Soll Sussman, renewable energy specialist with the Texas General Land Office, told about 200 people gathered at CentrePort Station Thursday in far northeast Fort Worth. "Everything is in place to develop natural gas vehicles in the U.S. There are 12 million natural gas powered vehicles around the world, yet fewer than 200,000 in the U.S. We are behind the boat. Garbage trucks, transit buses, are a logical choice for natural gas. We're seeing the fueling station network expand. We hope to see more light duty."

Sussman was among a handful of dignitaries who spoke on Clean Air Action Day, an event that aimed to persuade North Texans to think of new ways to use alternative fuels in their everyday lives.

And it wasn't just about giving people commuting options. Sure, a major culprit to Dallas-Fort Worth's foul air remains the gasoline-powered, single-occupant vehicle. And one reason the event was held at CentrePort, one of the stops on the Trinity Railway Express line, was to encourage residents to use rail, buses and other forms of public transportation - especially during the summer, when it can be harmful to breathe in the region's smog-laced air.

But many other forms of earth-friendly transportation were on display. When guests weren't taking bites of barbecue under a tent surrounded by mist-blowing fans, they ventured onto the scorching pavement of CentrePort Station on a summer's midday, and took test drives of all sorts of vehicles.

As you might expect, the all-electric Nissan Leaf and electric-gas Chevy Volt were on display. But there was also a propane-powered lawnmower, a diesel-electric hybrid bus from the Fort Worth school district and even one of the new articulated buses the Fort Worth Transportation Authority plans to roll out on its busy East Lancaster Avenue route later this summer. The buses, which run on compressed natural gas, have the look and feel of a passenger rail car on the inside.

Various experts spoke of successes and failures in their respective industries.

For example, a record 1.3 billion gallons of biodiesel may be produced in 2013, up from just 300 million gallons in 2009.

"We see the quality of the fuel improving," said Kaleb Little, spokesman for the National Biodiesel Board.

Also, about 20 electric charging stations have been installed in the Metroplex this year, and by the end of the year the total may be closer to 200 stations, said Lance Spross, director of advanced applications for Oncor Electric Delivery.

"There's plenty of pie for all of us to share in this thing," Spross said. "We've all got to work together to improve our air quality."

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News

Tests show normal radiation exposure rates near Las Conchas

[Print Page](#)

Published: Thursday, July 7, 2011 2:07 PM MDT

Though Las Conchas fire continues to burn, Los Alamos National Laboratory (LANL) reopened to employees Wednesday (July 6), and residents began returning to their homes Sunday (July 3).

Concerns have been raised about potential contaminants in the smoke from Las Conchas, but preliminary tests have found "typical" radiation exposure rates. The state Environmental Department released preliminary results of air quality monitoring July 2.

The data were collected by Airborne Spectral Photometric Environmental Collection Technology (ASPECT) equipment. ASPECT is operated by the U.S. Environmental Protection Agency and Department of Defense; it is a laboratory housed inside a twin-engine aircraft and analyzes chemical and radiological levels in the air.

The ASPECT mission report states no dangerous levels of radiation were found in the surveyed areas. In the monitored areas of Jemez Springs, Cochiti, Cuba and Jemez Pueblo, normal ranges of background radiation exposure were found, with no hazardous levels discovered.

The survey reported "no significant radiological detections." However, the ASPECT report did not include chemical data.

According to information from the state Environment Department, 36 stationary air monitors (including two in Taos) are being used to detect levels of contaminants including Alpha, Beta and Gamma radiation, as well as plutonium and uranium.

Permanent monitors are in place, and temporary monitors were "strategically placed around the area of Las Conchas Fire and in the direction of wind paths." According to a Wednesday morning update, Las Conchas wildfire had grown to 130,691 acres, making it the largest in state history, and was 30 percent contained.

According to information from New Mexico State Forestry, the cause was determined to be an aspen that caught fire after strong winds blew it onto power lines.

"The contact resulted in the line arcing, which then caused the tree to catch fire," a State Forestry release states. "Heat and flame caused the line to snap, which then allowed the burning tree to fall onto the ground, where the fire spread into nearby vegetation."

As of Wednesday morning, more than 2,500 personnel, 20 helicopters, 91 engines and 14 dozers were fighting the fire, which had destroyed 62 residences and resulted in five injuries.

According to a report from the Santa Fe New Mexican, the state spent more than \$21 million last fiscal year (which ended June 30) fighting wildfires, including almost \$3 million on Las Conchas fire.

'First round'

Environment Department spokesman Jim Winchester said the ASPECT data is the "first round" the department is receiving, and data from the 36 air monitors should be available soon. He said analysis of filters in the air monitors will give the department a "snapshot" of what was happening on specific days during Las Conchas fire.

"We are going to be getting more specific chemical analyses," he said. "Those (air monitors) have a seven-day turnaround time."

The ASPECT data is available at www.nmenv.state.nm.us. The 10,250-acre Pacheco fire began June 18, 9 miles north of Santa Fe and is now reportedly in a "monitor status."

Equipment and supplies are being removed, and suppression lines are being seeded to keep them from being used as trails in the future. Nearby residents are being warned that smoke continues to affect the area.

The Wallow fire, which began May 29 in Arizona and grew to nearly 540,000 acres and spread into Catron County, was reportedly 95 percent contained as of Monday (July 4). It burned 15,407 acres in New Mexico. Its cause is still being investigated.

Taos County and municipalities including the town of Taos, Red River and Questa have implemented fire restrictions prohibiting activities such as agricultural burning and the use of charcoal or wood barbecue fires.

Near Taos County, the Santa Fe National Forest and Carson National Forest remain under Stage 3 fire restrictions and are effectively closed. Bureau of Land Management lands remain open with Stage 2 fire restrictions, which prohibit campfires, charcoal, coal and stove fires.

Smoking is also prohibited except within enclosed vehicles and buildings. The Environment Department, in cooperation with the state Health Department, has warned New Mexico residents that poor air quality due to wildfires can have adverse health effects.

To determine smoke concentrations, one should face away from the sun and determine the visibility range in miles by looking for "that point at which even the high-contrast objects totally disappear."

At a visibility range of 3- 5 miles, air quality is "unhealthy for sensitive people," and at 1.5- 2 miles, air quality is unhealthy. At 3/4 of a mile, air quality is considered hazardous.

"In areas of the state with poor visibility of three to five miles, people with heart or lung disease, the elderly, children and pregnant women should avoid prolonged or heavy exertion and stay indoors as much as possible," an Environment Department release states.

For more information about wildfires' health effects, visit nmhealth.org.

Those with smoke-related health concerns are encouraged to call the New Mexico Nurse Advice Line at (877) 725-2552.

For fire updates, visit inciweb.org or nmfireinfo.com.

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Texas Commission on Environmental Quality excavation to shed light on Dona Park concerns

By Rick Spruill

Thursday, July 7, 2011

CORPUS CHRISTI — State environmental officials today should uncover a decades-old mystery of what is buried beneath a vacant lot in Dona Park.

The Texas Commission on Environmental Quality agreed to excavate a 30- foot-by-40-foot area near the corner of Manchester Avenue and Up River Road late last year after a survey using ground-penetrating radar indicated something was buried there, said Omar Valdez, project manager with the commission.

"Several Dona Park residents went on record saying they watched the drums being buried," he said.

Those eyewitness accounts, along with the results of the radar survey, compelled the commission to release money from the state's Site Discovery fund for the dig, Valdez said.

Only a piece of rebar believed to have been part of a concrete water storage tank that once occupied the site has turned up.

"Some of the more elderly residents remember a water treatment facility being there, but we don't know when it was in operation," Valdez said.

Soil samples taken from about 7 feet beneath the surface are being set aside for testing. Results should be available late next week, he said.

"If there's something there we want to dig it up and get it out of here right away," Valdez said.

The extent to which hazardous chemicals — by-products of the refining and smelting operations located nearby — have become a part of the water and earth, and even their own bodies, is a looming specter some residents say may never be exorcised.

Tammy Foster, a lifelong resident, said she was about 10 years old in the early 1980s when, together with friends, she watched an ASARCO truck loaded with barrels back in to the vacant lot.

"They put four into the ground," she said. "They stopped when the workers saw us

watching."

She said she saw workers on Wednesday remove a piece of metal she believes belonged to one of the barrels.

"I don't think it was rebar," she said. "It was curved like it was part of a barrel."

She said residents, who long have been subject to environmental studies and remediation projects, are frustrated to think another piece of their shared history may be tainted.

"We've been environmental guinea pigs since the late '80s, when they first came through here testing for whether to build the Javelina plant," she said. "It's just another step in a long process. Maybe if they figure out this ground is contaminated enough, we can be bought out and afford to move out. We shouldn't be this close to the refineries."

Officials also will be in the neighborhood today obtaining blood and urine samples as part of a voluntary environmental impact study related to the ASARCO/Encycle plant located across Up River Road, Valdez said.



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1. **APPROPRIATIONS: House eyes steep cuts and policy riders for EPA, Interior**

(07/06/2011)

Gabriel Nelson and Phil Taylor, E&E reporters

House appropriators today unveiled a spending bill for U.S. EPA and the Interior Department that would give the agencies less money than they received during the George W. Bush administration and stop some of the Obama administration's signature initiatives on climate change, water pollution and public lands.

The [bill](#), which will be marked up at a Interior and Environment Appropriations Subcommittee hearing tomorrow, suggests the simmering fight over environmental programs will return to the front burner this summer as lawmakers try to reach a spending deal with President Obama for the fiscal year that begins Oct. 1.

This time, Republicans want steeper cuts than in H.R. 1, the spending bill that laid out their priorities before a budget deal was struck to keep the government running through the fall.

The bill also includes a lengthy list of policy riders, many of which mirror proposals that have moved through the House but gotten little traction in the Senate. They include provisions to block U.S. EPA from ordering companies to report their greenhouse gas emissions, stop limits on greenhouse gases from power plants and other industrial facilities for one year, and pre-empt proposed rules for coal ash and cooling water at power plants.

"Our government can't afford to continue on its recent spending binge with its head in the sand when it comes to our fiscal challenges," Subcommittee Chairman Mike Simpson (R-Idaho) said in a statement. "In this bill we face those challenges head on, setting priorities and distinguishing between what is necessary and what would just be nice to do -- something American families do every day. The bill reins in out-of-control regulation and provides the certainty that our economy needs to make a strong recovery."

U.S. EPA would receive \$7.1 billion, about \$1.5 billion below this year's levels and \$1.8 billion less than the president wants. Most of it would come from deeper cuts to state and local water infrastructure grants that also were slashed earlier this year, but nearly \$500 million would come straight from the agency's own operations and rulemaking efforts.

The new bill would provide the Interior Department \$9.9 billion, which is \$720 million below the agency's current budget and \$1.2 billion below the president's request.

Tacked onto the bill is [H.R. 2021](#), which would expedite air permits for offshore drilling in federal waters such as the Arctic Ocean. The bill, which was prompted by Royal Dutch Shell PLC's struggle to get an EPA air permit to drill off Alaska's northern coast this summer, passed the House last month over an objection from the White House, but it has not moved in the Senate.

Also included is [H.R. 872](#), which would exempt pesticide users from having to obtain a new Clean Water Act permit if they spray over water. That legislation already passed the House, but Sen. Ben Cardin (D-Md.) placed a hold on the bill in the Senate after it cleared the Senate Agriculture Committee by a voice vote.

The bill would also stop environmental groups from challenging any future deal between Interior and the state of Wyoming to strip Endangered Species Act protections for gray wolves in the state. The agreement for the current year included a rider that delisted the wolf in Montana and Idaho -- but not Wyoming -- and riled up environmental groups by blocking their lawsuits.

Today's proposal would also slash funding by nearly 80 percent for land acquisitions at Interior agencies and the Forest Service, nearly emptying out the Land and Water Conservation Fund in a move meant to stop the administration from expanding public lands.

Altogether, the bill infuriated environmental and conservation groups, which said it would weaken government programs that are meant to keep the air, water and land clean.

"This is a contract on America masquerading as a spending bill," said Scott Slesinger, legislative director at the Natural Resources Defense Council. "It's nothing short of a declaration of war on our most basic health protections."

EPA climate programs

Under the bill, EPA would get about \$468 million less than the agency received in 2006, the latest in a series of proposed cuts for an agency that has borne the brunt of Republican anger over the regulations that have been put in place by the Obama administration.

Simpson criticized EPA Administrator Lisa Jackson earlier this year for shielding federal programs from the deepest cuts, and his bill would take away \$422 million from EPA operations and \$76 million from regulatory programs. State, local and tribal governments that put the federal rules in place would lose \$102 million in assistance grants.

His bill would also block several new rules that have been targeted by industry groups on Capitol Hill. Chief among them are the agency's new greenhouse gas rules, which would lose \$46 million.

The rider blocking upcoming rules for power plants and refineries is just the latest in a string of attempts by House Republicans to stop EPA from regulating carbon dioxide and other heat-trapping emissions. The chamber passed similar language as part of its fiscal 2011 stopgap spending bill, though it was later stripped from the final bill after negotiations with the Democrat-controlled Senate.

The House also passed a stand-alone bill to permanently stop EPA from regulating greenhouse gases, but it has also stalled in the Senate.

Last year, when Democrats still controlled the House, appropriators in the House narrowly defeated a similar amendment. But by adding the language to the underlying bill, Simpson has made a vote unnecessary, unless another member offers an amendment that would permanently prevent EPA from regulating carbon dioxide.

The bill would also block climate change lawsuits based on common law, such as the one that was rejected by the Supreme Court last month because EPA had already started to act.

Water

The largest cut in the entire bill -- \$967 million -- would fall to the Clean Water and Drinking Water State Revolving Funds, which make up a third of EPA's budget and help states finance federally mandated upgrades to aging, outdated and frequently overwhelmed drinking water and wastewater systems. That cut brings the programs back to 2008 funding levels.

The nation's largely century-old water infrastructure has a funding gap approaching a trillion dollars, but committee Republicans said the cuts were justified, noting that they received \$6 billion in the federal stimulus. Supporters of the program weren't convinced.

"This bill is an assault on Americans' water," said Piper Crowell, clean water advocate at Environment America, adding that the bill "clearly puts the interests of polluters over those of the public."

Other water programs also took big hits: EPA programs to restore the Great Lakes, Chesapeake Bay and Puget Sound would face cuts of \$49 million, \$4 million and \$8 million, respectively. Money for wetlands conservation would continue to shrink to 40 percent of 2010 levels.

GOP authors also targeted the administration's controversial new guidance on how to interpret the Clean Water Act, which would expand federal jurisdiction over new wetlands and streams across the country.

Proponents say the policy, which is now up for public comment, would restore needed federal protections that were rolled back in the wake of two muddled Supreme Court decisions and subsequent guidance from the George W. Bush administration. But critics in the agriculture, homebuilding, mining and oil industries say the policy is an unconstitutional power grab by the federal government.

Language in the bill would block EPA from using any money "to carry out, implement, administer, or enforce" any changes to Clean Water Act jurisdiction enacted after the most recent Bush-era guidance.

Similarly, language would block expansion of EPA's stormwater discharge program in advance of anticipated rules to force better cleanup of runoff at construction sites and elsewhere.

One kernel of news was included that pleased Florida greens: The bill would authorize raising another 5.5 miles of Tamiami Trail, the highway that cuts across the Everglades and blocks its flow of water. Construction only recently got underway on the first mile of that bridge, a breakthrough that followed two decades of legal warfare.

"It's time to go ahead and finish the whole thing," said Julie Hill-Gabriel, director of Everglades policy for Audubon of Florida.

Chemicals

Republicans also targeted EPA's Integrated Risk Information System, or IRIS, which assesses how substances affect human health and the environment. Its reports are typically used as the underpinnings for stricter regulations.

The appropriations bill directs EPA to improve the IRIS program as outlined in a National Academy of Sciences' review of

EPA's assessment of formaldehyde. The review said EPA supported its conclusion that formaldehyde exposure causes cancer in the upper throat and nose, but it was highly critical of the methodologies used to get there.

"Overall, the committee found that EPA's draft assessment was not prepared in a logically consistent fashion, lacks clear links to an underlying conceptual framework and does not sufficiently document methods and criteria used to identify evidence for selecting and evaluating studies," the report said ([Greenwire](#), April 8).

The spending measure would require EPA to implement recommendations outlined in the report and would require the agency to provide a report to Congress on those improvements by Dec. 1. It would also prevent EPA from taking any action on any IRIS assessment that does not follow the science panel's advice.

Republicans also targeted specific IRIS assessments. The legislation would prohibit EPA from setting a new standard below "background concentration levels" based on an IRIS assessment issued after May 21, 2009. That appears to target IRIS's controversial assessment of dioxin, a naturally occurring chemical that is also a byproduct of paper production, waste incineration and other industries.

EPA's recommended contamination plan, released on May 26, 2009, has been strongly opposed by industry, which has questioned the science behind EPA's assessment ([Greenwire](#), June 7).

Interior and Forest Service

The bill includes a \$315 million cut for the Fish and Wildlife Service, a \$129 million cut for the National Park Service and a \$63 million cut for the Bureau of Land Management below current levels.

For land management agencies, the House proposal would limit legal challenges of endangered species delistings and Bureau of Land Management grazing decisions, curtail the Interior secretary's use of the Endangered Species Act and prevent Interior from enforcing boating regulations on an Alaskan preserve.

The House proposal also rejects Obama's request to raise fees for onshore oil and gas inspection fees by \$38 million and offshore drilling fees by \$55 million.

And the measure would forbid legal challenges of any future agreement to delist the wolf in Wyoming and the Great Lakes region, a provision likely to anger environmentalists and animal rights groups.

Interior and Wyoming officials are set to meet this week to continue discussing a potential management plan for the state's more than 300 wolves. The sides appear in agreement on the number of wolves to maintain, but they have yet to agree on precisely where and when the animals should be protected as "trophy game."

Similar to a provision by Sen. Jon Tester (D-Mont.) in the 2011 funding bill, the agreement would be immune from lawsuits.

"The far right feeding frenzy continues," said Bill Snape, a senior attorney at the Center for Biological Diversity, which fought delisting decisions in Montana and Idaho and calls for maintaining genetic diversity for wolves.

The bill would also forbid Interior from enforcing regulations over boating and other activities on waters in Alaska's Yukon-Charley National Preserve after accusations of harassment last year by National Park Service law enforcement officials of local boaters.

The provision was added by Alaska Rep. Don Young (R) to prevent the agency's "abuse of power," spokeswoman Meredith Kenny said.

In a disappointment to conservation groups, the bill cuts nearly 80 percent from the Land and Water Conservation Fund, which is used to fund land acquisitions, link habitats and assist states in promoting recreation.

The \$61 million is the same funding as proposed in H.R. 1 and would allow funding mostly for staff and land appraisals rather than actual projects, said Alan Rowsome, director of conservation funding for the Wilderness Society.

"Obviously at that level, you are practically eviscerating the program," Rowsome said. "Hopefully we can work with the chairman and Senate and White House to increase that number."

Other major provisions include a \$129 million cut in NPS funding below last year's level, although operation of the national park system would fall \$7 million below enacted levels, allowing parks to remain open without furloughs or employee layoffs.

The bill would also provide \$4.5 billion for the Forest Service, a reduction of \$164 million from last year's level and \$412 million below the president's request.

Mining

The legislation also includes provisions to roll back the Obama administration's expanded oversight of mining.

The measure blocks the Office of Surface Mining, Reclamation and Enforcement from pursuing a stream protection rule, which is expected to be released in draft form later this year despite opposition from mining companies and their allies on Capitol Hill.

It also aims to stop implementation of an agreement between EPA and the Army Corps of Engineers, which set aside some coal-mining permits for "enhanced review," and would pull funding for implementation of draft guidance that EPA says is needed to prevent water pollution from Appalachian mountaintop removal mining projects.

In another issue that is key to coal-industry supporters in Congress, the legislation would prevent EPA from regulating coal-combustion ash as a hazardous substance. The proposal comes as Republicans prepare to mark up a bill with a regulatory program for coal ash, which would also prohibit it from being treated as hazardous waste.

The bill also stops the administration from withdrawing about 1 million acres of federal land from new hardrock mining claims around the Grand Canyon. Many Arizona Republicans oppose the move, and Rep. Jeff Flake (R-Ariz.), a member of the Appropriations Committee, had signaled his intention to use the appropriations process to block the administration from enacting a long-term withdrawal.

[Click here](#) to read the spending bill.

Reporters Jean Chemnick, Jeremy P. Jacobs, Paul Quinlan and Manuel Quinones contributed.

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With Workforce Cuts, Appropriators Take Dual Track Curtailing EPA In FY12

Posted: July 6, 2011

House Republicans are following through on their vows to stymie EPA action by limiting the number of staff positions at the agency, even as they have included a host of riders to block or curtail controversial agency policies, according to proposals included in a just-released fiscal year 2012 draft spending bill.

EPA union officials say that the drastic budget cuts and limits on staffing could spur retirements of veteran EPA staffers.

The House Appropriations Committee July 6 released the interior and environment spending bill that includes EPA's budget, floating an 18 percent cut in overall agency funding from \$8.6 billion in FY11 to \$7.1 billion, which would be 20 percent less than President Obama's request to fund EPA at roughly \$9 billion in FY12. The spending bill is slated to be marked up by the committee's interior and environment panel on July 7.

The bill includes a host of policy riders to block controversial EPA policies, including greenhouse gas, water quality and chemical risk assessment measures.

But a statement released along with the legislation highlight's the fact that the bill also "caps EPA's personnel at the 2010 level (the lowest since 1992)."

A congressional source says that the the bill's report, which has yet to be released, will include language capping the agency's number of full-time equivalent (FTE) positions -- which represents one employee working full time for one year, or the equivalent hours worked by several part-time or temporary staff -- at 16,594, which is 609 FTEs below the Obama administration's FY12 budget request of 17,202.

While EPA had proposed a "ceiling," or cap, on FTE staff levels not to exceed 17,202, down from the FY10 and FY11 ceiling of 17,417, Rep. Mike Simpson (R-ID), the panel's chairman, has recently vowed to cap staff levels even further. Simpson told *The Washington Post* last month that Republicans were considering capping FTEs, saying that doing so would limit EPA action. "Many of us believe the EPA has gone beyond what Congress has wanted or authorized it to do," Simpson told the newspaper.

The congressional source says that several members of the committee have expressed concern about EPA's overreach, and that methods to address that overreach include limiting FTEs, as well as cutting the agency's budgets and limiting how the agency can spend its money.

In the draft budget, Republicans have also cut \$422 million from EPA operations and administration and \$76 million in funding for regulatory programs, along with significant cuts to state grant programs and rule implementation funding.

Calling the cuts "disturbing," EPA union sources say that the massive budget reductions call into question what role Congress intends for the agency, given that the budget cuts are coming at a time when agency staff have already been asked to do more with less and when concerns had surfaced already about working within the president's FY12 budget request.

"People want clean air and clean water, and I'm not sure this budget is going to get them that," one union source says, going on to say that the bill is a clear indication that the goal of many on Capitol Hill is to roll back the ability of EPA to protect human health and the environment.

"Dismantling The Agency"

Sources also express concern that agency staff will suffer under the budget, given that they have been required to do more

7/8/2011

With Workforce Cuts, Appropriators Ta...

with less for the last several years and that this budget could lead to staffers leaving the agency or retiring.

Arguing that these cuts are "dismantling the agency," one source expressed hope that the Senate and the Obama administration will not cave to pressure from Republicans on the debt ceiling or government shutdowns and preserve EPA's ability to protect the environment.

Rep. Norm Dicks (D-WA), ranking member of the appropriations committee, in a July 6 statement echoed concerns that the budget would stymie EPA's efforts. Dicks said the bill "would substantially diminish the capacity of EPA to carry out its responsibilities -- which may actually be the goal of some of my colleagues on the other side. But the repercussions will be felt across the nation, including an ever-growing backlog of water treatment infrastructure projects and a decline in air and water quality."

The EPA union American Federation of Government Employees in a July 6 statement criticized Congress for taking steps with the budget bill "to purposefully gut the Agency's ability to protect human health and the environment, particularly when almost every poll concludes that Americans want clean air and water."

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